

REMARKS

Claims 1-2, 6-12 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla et al. (U.S. Patent Number 5,465,391, hereinafter "Toyryla") in view of Dailey et al. (U.S. Patent Number 6,377,560, hereinafter "Dailey"), claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla in view of Daily and Madour et al. (U.S. Patent Number 6,108,518, hereinafter "Madour"), and claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla in view of Daily and Bhat et al. (U.S. Patent Number 6,075,994, hereinafter "Bhat"), and claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla in view of Daily and Raith et al. (U.S. Patent Number 6,331,971, hereinafter "Raith").

Although the applicants respectfully disagree with these rejections, the applicants appreciate the Examiner's thoughtful and thorough reply in the *Response to Arguments* section of the present office action. The applicants have specifically amended the claims to more clearly express the invention and to address some of the unintended interpretations expressed by the Examiner. Specifically, the Examiner notes that nothing in the independent claims are CDMA specific. Thus, the applicants have explicitly added language to clarify that the channels referred to are CDMA channels of various types. Also, the applicants have explicitly added language to clarify that the inbound access channel monitored for page responses is an inbound CDMA **common** access channel. The applicants note that common channels, unlike traffic channels, are not assigned to certain users and/or calls as traffic channels are. They are common channels used for general access signaling such as page responses. The applicants submit that this distinction is well-known, particularly to those familiar with IS-95 (referred to on page 6 of the application) or other CDMA standards.

Regarding the rejection of independent claims 1, 6, 7 and 14, the Examiner cites Toyryla and Dailey. However, the Examiner indicates that Toyryla does not specifically disclose the claim language of claim 1 that reads "monitoring an inbound access channel for page responses to the broadcast page; when no page responses are

received within a period of time, ceasing to transmit the dispatch call via the traffic channel; and deallocating the traffic channel," nor does Toyryla disclose the claim language of claim 6 that reads, "monitor an inbound access channel for page responses to the broadcast page; and adapted to deallocate the traffic channel and to instruct the transmitter to cease transmitting the dispatch call via the traffic channel when no page responses are received within a period of time."

The corresponding portion of claim 1 has been amended to read, "monitoring an inbound CDMA common access channel for page responses to the broadcast page; when no page responses are received within a period of time, ceasing to transmit the dispatch call via the CDMA traffic channel; and deallocating the CDMA traffic channel," while the corresponding portion of claim 6 has been amended to read, "monitor an inbound CDMA common access channel for page responses to the broadcast page; and adapted to deallocate the CDMA traffic channel and to instruct the transmitter to cease transmitting the dispatch call via the CDMA traffic channel when no page responses are received within a period of time."

For the portions of claims 1 and 6 that Toyryla does not teach, the Examiner relies on Dailey, citing column 4, lines 37-41 and column 4, lines 9-41. Dailey column 4, lines 9-41 reads:

Each base station 30 , 32 , 34 , 36 and 38 allocates a voice channel in response to the group call and sends an assignment message on the control channel. Arrows 70 , 72 , 74 , 76 and 78 represent such channels. In this manner, paging messages are not sent through all base stations in the local area, which saves resources and time. A timer is then set and, in decision diamond 208 , a determination is made as to which base stations received acknowledgements from group members on the voice channel. In the example of FIG. 1 , group members 18 and 20 in local area 50 each send an acknowledgement to base stations 34 and 30 respectively. Group member 16 sends an acknowledgement to base station 38 in local area 52 . Processing moves to action box 210 where channels 72 and 76 for the base stations that did not receive an acknowledgement (base stations 32 and 36 ) are deallocated. In action box 212 , the base stations 30 , 34 and 38 acknowledge the presence of group members in their respective cell. The call is then completed to the group members that have acknowledged, in action box 214.

Adding a group call feature to an existing wireless network requires fast call setup, especially for critical communications such as public safety. The present invention skips the paging step of normal call setup and immediately allocates a voice channel for the group call on any cell that might contain a group member. Group members recognize a group identification on the channel and indicate their presence by transmitting a short burst of information on the channel back to the base station. Any base station that has not received an acknowledgement from a group member within a predetermined period of time drops the channel, freeing it for another call. This novel approach allows fast group call setup and minimizes wasted resources.

However, Dailey does not teach monitoring an **inbound CDMA common access channel** for **page responses**, as claimed. Rather, Dailey explicitly teaches away from the claimed invention. Dailey teaches skipping "the paging step of normal call setup." To skip the paging step, Dailey teaches monitoring the allocated voice / traffic channels for acknowledgments, not the **inbound CDMA common access channel** and not for **page responses**. As mentioned above, in CDMA systems (particularly in those at the time of the filing of this application), it is well-known that page responses are sent on inbound **common access channels** prior to a channel assignment of an allocated traffic channel. Therefore, what Dailey is teaching is substantially different than monitoring an **inbound CDMA common access channel** for **page responses**, as claimed.

In the Examiner's reply (last paragraph, page 4), the Examiner asserts that the traffic channel of Dailey is the access channel of the claims and that the control channel of Dailey is the paging channel of the claims. The applicants disagree and have amended the claims to explicitly clarify that the claims recite an inbound CDMA common access channel and an outbound CDMA paging channel. These are distinct CDMA channel types, and as stated above, they are different from CDMA traffic channels. Clearly, they are also different from the traffic channel and control channel described in Dailey.

Again, Dailey teaches altogether skipping "the paging step of normal call setup." This is made even more clear when other portions of Dailey are considered. Dailey column 1, lines 21-39 reads (emphasis added):

In current call setup, a mobile switching center receives a call for a mobile station and queries a home location register for that mobile station's current location. The home location register reports the local area (a group of contiguous cells in the wireless network) in which the mobile station last registered. Since the mobile switching center knows only the approximate location of the mobile station, it causes all of the base stations in the local area to transmit a paging message on a paging channel to determine the exact location of the mobile station. When a mobile station receives the page, it responds to the nearest base station. The base station notifies the mobile switching center, which routes the call to the base station to be delivered to the mobile station.

While the above-described call setup is relatively efficient for a one- to-one call, repeating all of the steps for each member of a group may take considerable time and be very cumbersome. Paging for and locating all of the group members individually may cause heavy message traffic and require many system resources.

Dailey column 5, line 59 – column 6 line 3 reads (emphasis added):

It will therefore be apparent that this invention makes it possible to economically and simply provide a group call setup without sending multiple paging messages and acknowledgement messages as in normal call setup. Consequently, the need for individual resources for each mobile station is avoided. Further, since base stations that do not receive an acknowledgement deallocate the channels, further resources are conserved. It will further be appreciated that the invention may be added to existing wireless networks with little additional hardware and software. Further, this system could be implemented in a trunked radio network with little or no modification.

Thus, Dailey teaches away from using the very paging / page response mechanisms that claims 1 and 6 explicitly recite.

On page 4 of office action, Examiner states that to "teach away, Dailey would have to give some indication that it could not be used with the system of Toyryla, which Dailey does not." The applicants do not agree. The applicants submit that the explicit language of Dailey (as emphasized in the quoted text above) clearly renounces the paging / page response mechanisms that claims 1 and 6 explicitly recite and also touts the advantages of not performing them (see the bold text in the two passages quoted immediately above). Whether one considers this "teaching away" or not, the applicants submit that this at least presents a substantial motivation to combine issue for Dailey and Toyryla. The Examiner seems to assert (bottom of page 6) that the motivation for combining these references is to allow a more efficient group call by not requiring as many system resources. However, Dailey teaches resource savings by not paging units.

Claim 7 recites (emphasis added) "transmitting a **page response** to the **broadcast page** subsequent to beginning to receive the dispatch call, wherein the MS transmits the page response on an **inbound CDMA common access channel**" and claim 14 recites (emphasis added) "a processor...adapted to instruct the receiver to begin to receive the dispatch call via the traffic channel and adapted to **subsequently** instruct the transmitter to transmit a **page response** to the **broadcast page** via an **inbound CDMA common access channel**." As discussed previously, Dailey teaches away from using the very paging / page response mechanisms. Moreover, these claims recite transmitting a page response after beginning to receive the dispatch call.

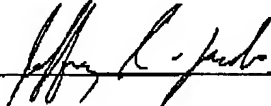
Since none of the references cited, either independently or in combination, teach all of the limitations of base claims 1, 6, 7 or 14, or therefore, all the limitations of their respective dependent claims, the applicants assert that neither anticipation nor a prima

facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the applicant now respectfully submits that the claims in their present form are patentable over the prior art of record, and are in condition for allowance. As a result, allowance and issuance of this case is earnestly solicited.

No other grounds for rejection or objection being given, the applicant now respectfully submits that the claims in their present form are patentable over the prior art of record, and are in condition for allowance. As a result, allowance of this case and early passage to issue is earnestly solicited. The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 – Motorola, Inc.**

Respectfully submitted,  
M. Needham et al.

By: \_\_\_\_\_

  
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